UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,066	10/13/2000	Dr. Biancamaria Prozzo	TP/2-22108/A/PFE 287	1274

7590 07/22/2002

Ciba-Specialty Chemicals Corporation
Patent Department
540 White Plains Road
PO Box 2005
Tarrytown, NY 10591-9005

EXAMINER
KUMAR, PREETI

ART UNIT	PAPER NUMBER
1751	3

DATE MAILED: 07/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/688,066	Applicant(s) PROZZO ET AL.	
	Examiner Preeti Kumar	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 October 2000* .

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

1. Claims 1-11 are pending.

Priority

2. Acknowledgment is not made of applicant's claim for foreign priority based on an application filed in European Patent Office on 10/16/1999. It is noted, that applicant has not filed a certified copy of the EPO 99120573.3 application as required by 35 U.S.C. 119(b).

Claim Objections

3. Claims 1-11 are objected to because of the following informalities: Specifically regarding claim 1, line 13, is incoherent and lacks proper grammar and hence the claim limitations are difficult to comprehend. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stringer et al. (US 5,858,955).

Stringer et al. teach a light duty liquid fabric care cleaning composition comprising at least one of ethoxylated nonionics, ethoxylated glycerol type compounds, alkyl sulfates, ethoxylated alkyl ether sulfates, alkyl polyglucosides, paraffin sulfonates, olefin sulfonates, linear alkyl benzene sulfonates, betaines and sultaines and mixtures thereof and 5 wt. % to 12 wt. % of water. See abstract.

Regarding component C, Stringer et al. teach other water soluble nonionic surfactants are marketed under the trade name "Pluronics." The examiner notes that copolymers of EOPO are sold under the trade name of "Pluronics". See col.6, ln.48-50.

Specifically regarding claim 4, Stringer et al. teach solubilizing ingredients such as a mixture of ethanol and a water soluble salt of a C.sub.1 -C.sub.3 substituted benzene sulfonate hydrotrope such as sodium xylene sulfonate or sodium cumene sulfonate or a mixture of said sulfonates or ethanol and urea. See col.12, ln.21-25.

Specifically regarding claim 5, Stringer et al. teach a major class of compounds found to provide highly suitable cosurfactants for use in the microemulsion compositions are water-soluble polyethylene glycols having a molecular weight of 150 to 1000, polypropylene glycol of the formula HO(CH3 CHCH2 O)n H wherein n is a number from 2 to 18, mixtures of polyethylene glycol and polypropyl glycol. See col12, ln.43-48. Stringer et al. teach representative members of the polypropylene glycol include compounds having two hydroxyl groups dipropylene glycol and polypropylene glycol

having a molecular weight of 150 to 1000, e.g., polypropylene glycol 400. See col.12, ln.42-65.

Specifically regarding claim 7, in example 3, Stringer et al. teach specifically a light duty liquid (LDL) formula made at 25° C. by simple mixing of the following components. 52.5% sodium laurylalcohol sulfonate 5.3, 45% magnesium lauryl alcohol sulfonate 17.3, 59.3% ammonium alkylethoxysulfonate 1.3EO 29.6, 50% alkylpolyglucoside 22.5, 76% CAPO 3.9, sodium bisulfite 0.1, denatured alcohol 0.5, 40% sodium xylene sulfonate 1.5, 41.5% HEDTA (chelating agent) 0.2, Fragrance 0.5, color 0.1, water Bal. See example 3, col.8-10 and 15 and claims 1-5.

Stringer et al. do not specifically teach a composition which includes at least the components A-D and components A-F in the specific proportions as recited by the instant claims.

However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to formulate a fabric cleaning composition which includes at least the components A-D and components A-F in the specific proportions as recited by the instant claims, with a reasonable expectation of success, because the teachings of Stringer et al. suggest the use of components A-D and components A-F in a similar fabric care cleaning composition.

7. Claims 1-3 and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gosselink et al. (US 5,691,298) in view of Stringer et al. (US 5,858,955).

Gosselink et al. teach detergent compositions comprising:

(i) at least about 1% of a detersive surfactant;

(ii) at least about 1% of a detergent builder; and

(iii) at least about 0.01% of an oligomeric (preferably branched) ester soil release agent comprising: (1) a backbone comprising: (a) at least one unit selected from the group consisting of dihydroxy or polyhydroxy sulfonate; (b) at least one unit which is a terephthaloyl moiety; and (c) at least one unsulfonated unit which is a 1,2-oxyalkleneoxy moiety; and (2) one or more capping units. See col.3, ln.1-25. Gosselink et al. specifically teach the material limitations of formulas (I) through (IV) in columns 5-10. Regarding component C, Gosselink et al. teach nonlimiting examples of surfactants such as alkyl benzene sulfonates and primary, secondary and random alkyl sulfates, alkyl alkoxy sulfates, the and alkyl phenol alkoxylates (especially ethoxylates and mixed ethoxy/propoxy, and the like. See col.30, ln.60-67.

Specifically regarding claim 6, component E, Gosselink et al. specifically teach one stabilizing approach using water-soluble sources of calcium and/or magnesium ions in the finished compositions to provide such ions to the enzymes. Calcium ions are generally more effective than magnesium ions and are preferred herein if only one type of cation is being used. Typical detergent compositions, especially liquids, will comprise from about 1 to about 30, preferably from about 2 to about 20, more preferably from about 8 to about 12 millimoles of calcium ion per liter of finished detergent composition, though variation is possible depending on factors including the multiplicity, type and levels of enzymes incorporated. Preferably water-soluble calcium or magnesium salts are employed, including for example calcium chloride, calcium hydroxide, calcium formate, calcium malate, calcium maleate, calcium hydroxide and calcium acetate; more

generally, calcium sulfate or magnesium salts corresponding to the exemplified calcium salts may be used. Further increased levels of Calcium and/or Magnesium may of course be useful, for example for promoting the grease-cutting action of certain types of surfactant. See col.38, ln.24-40.

Specifically regarding claim 6, component F, Gosselink et al. specifically teach inorganic detersive builders include the alkali metal, ammonium and alkanolammonium salts of polyphosphates (exemplified by the tripolyphosphates, pyrophosphates, and glassy polymeric meta-phosphates), phosphonates, phytic acid, silicates, carbonates (including bicarbonates and sesquicarbonates), sulphates, and aluminosilicates. See col.32, ln.5-11 and col.39, ln.25-35.

Specifically regarding claims 8-9 and 11, Gosselink et al. teach a process for treating fiber materials wherein the preferred fiber is polyester, polyester-cotton blends, and other synthetic fabrics; best soil release results are achieved thereon, but other fabric types can also be present. See col.40, ln.5-10.

Specifically regarding claim 10, Gosselink et al. teach the most highly preferred method for simultaneous cleaning and soil-release treatment is a "multi-cycle" method; although benefits are surprisingly obtainable after as little treatment as a single laundry/use cycle, best results are obtained using two or more cycles comprising the ordered sequence of steps: a) contacting said fabrics with said aqueous laundry liquor in a conventional washing machine or by hand-wash for periods ranging from about 5 minutes to about 1 hour; b) rinsing said fabrics with water; c) line- or tumble-drying said fabrics; and d) exposing said fabrics to soiling through normal wear or domestic use.

Naturally, it will be appreciated that this "multi-cycle" method encompasses any one of steps a) through d), provided that the soil release treatment step (a) is used two or more times. Optionally, a further "soaking" step may be included in the laundry/use cycle. Typically, users soak or pre-soak laundry for as little as five minutes to as long as overnight or longer by contacting said fabrics with said aqueous laundry liquor. See col.40, ln.15-35.

In example 13, Gosselink et al. teach the synthesis of an Oligomer of Sodium 2-[2-(2-Hydroxyethoxy)ethoxy]ethanesulfonate, Dimethyl Terephthalate, Sodium 2-(2,3-Dihydroxypropoxy)ethanesulfonate, Glycerol, and Ethylene Glycol(ethane 1,2-diol) mixed with sodium cumenesulfonate. Gosselink et al. teach that esters of the invention are especially useful as soil release agents of a type compatible in the laundry with conventional detergent ingredients such as those found in granular or liquid laundry detergents. Additionally, the esters are useful in laundry additive or pretreatment compositions comprising the essential soil release agents and optional detergent ingredients. See col.27 and 30, ln.35-40. Also examples 43-46, illustrated in columns 41 to 42, teach the use of components A-D in a granular detergent composition comprising alkylbenzene sulfonate, alcohol sulfate, alcohol ethoxylate sulfate, alcohol ethoxylate Zeolite A, poly(ethylene glycol), nonyl ester of sodium p-hydroxy-benzenesulfonate, Oligomer (from Example 8), and Moisture.

Gosselink et al. do not specifically teach a fabric cleaning composition comprising an ethoxylated/propoxylated alcohol as recited by the instant claims.

Also, Gosselink et al. do not specifically teach a fabric cleaning composition comprising an ethoxylated/propoxylated alcohol with the components A-D and components A-F in the specific proportions as recited by the instant claims.

Stringer et al. are relied upon as set forth above.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made to formulate a fabric cleaning composition comprising an ethoxylated/propoxylated alcohol as recited by the instant claims with a reasonable expectation of success, because Stringer et al. suggest the use of "Pluronics" and furthermore, Gosselink et al. suggest the use of ethoxylates and mixed ethoxy/propoxy in a fabric cleaning composition in general.

Also, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to formulate a fabric cleaning composition comprising an ethoxylated/propoxylated alcohol with the components A-D and components A-F in the specific proportions as recited by the instant claims with a reasonable expectation of success, because the teachings of Gosselink et al. in combination with Stringer et al. suggest a fabric cleaning composition comprising an ethoxylated/propoxylated alcohol with the components A-D and components A-F in the specific proportions as recited by the instant claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 703-305-0178. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9309.

PK
July 15, 2002

Preeti Kumar
Examiner
Art Unit 1751

GREGORY DELCOTTO
PRIMARY EXAMINER